



AUG 15 2011

 AT SEATTLE
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 SEATTLE DEPUTY

AUG 18 2011

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON

Banard Banks,

*

Plaintiff,

*

-vs.-

*

* Case No: **C11-5633** RJB

Capital One,

*

Defendant.

*

COMPLAINT

I. Jurisdiction

1) Jurisdiction of this court is predicated under 28 U.S.C. 1331. This court has jurisdiction on Plaintiff's supplement claims pursuant to 28 U.S.C 1367(a)

II. PARTIES

2) Plaintiff Banard Banks is a natural person currently residing in the state of Washington, County of King, Plaintiffs address is 2223 Benson Rd. South.

3) Defendant Capital One is Plaintiff's creditor and does business in the State of Utah and Washington. Defendant's corporate agent's address is 3000 Deschutes Way, SW. STE. 304 Tumwater, WA 98501.

III. VENUE

4) Venue is proper in the Western District of Washington as the Defendant does business in several locations in the Western District of Washington. Further, the acts and transaction giving rise to this complaint occurred in the Western District of Washington.

IV. STATEMENT OF CLAIM

5) Beginning in June 2011 Plaintiff notices error in which his accounts were being reported and the timeliness of Plaintiff's payments to the Credit Bureaus.

6) Beginning in May 2011 and continuing to July 2011 Plaintiff's initiated several disputes regarding his accounts by utilizing the dispute resolution services offered by both Experian and Equifax challenging the manner in which his accounts were being reported.



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7) Despite being aware of Plaintiff's bona fide disputes as to the timeliness of Plaintiff's payments, Defendant continued to report inaccuracies regarding Plaintiff's account.

8) Despite having been repeatedly notified of Plaintiff's bona fide dispute, Defendants refused to report to Experian or Equifax that Plaintiff disputed said accounts in violation of U.S.C. 1681s-2(b)

VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA)

9) Defendant's actions as described herein constitute violations of 15 U.S.C 1681s-2(b) as they received notice of dispute from Credit Reporting Agency (Experian and Equifax) and failed to conduct an adequate and truthful investigation.

10) After receiving the dispute and reporting its alleged results, Defendant failed to report the fact that said debt was disputed in violation of 15 U.S.C 1681n as they willfully and with knowledge thereof reported information it knew or should have known to be false in connection with Plaintiff's accounts.

11) Despite receiving numerous notices and disputes from the Plaintiff regarding the inaccuracies contained within the credit report, Defendant prepared and published to third parties, including potential lenders, multiple inaccurate consumer reports about the Plaintiff which contained false information.

12) Defendant's actions caused Plaintiff to suffer embarrassment, mental anxiety, emotional suffering, worry, humiliation, and mental distress.

LIBEL AND DEFAMATION

13) Defendant's published false information about Plaintiff's accounts, the false fact that Plaintiff's credit report was accessed, which was the result intended by the defendant.

14) This information was viewed repeatedly, each and every time the plaintiff's credit report was accessed, which was the result intended by the Defendant.

15) The publications were done maliciously, without privilege, and with intent to injure the Plaintiff.


16) As a consequence of Defendant's Actions, Plaintiff has suffered distress, Loss of credit, and been chilled from seeking any additional credit and has suffered corresponding economic damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully request that Judgment be entered against the Defendant for the following:

- a) Actual damages.
- b) Statutory damages.
- c) Cost and reasonable fees.
- d) Punitive damages.
- e) For such other relief as the court may deem just and proper.

EXEXECUTED UNDER PENALTY OF PERJURY

A handwritten signature in black ink that reads "Banard Banks". The signature is written in a cursive style with a horizontal line underneath the name.

Banard Banks

2223 Benson Rd. South Renton , Washington 98055

DEMAND FOR JURY TRIAL

Please take note that Plaintiff demands trial by jury in this action.

Dated this 4th day of Aug, 2011.

A handwritten signature in black ink that reads "Banard Banks". The signature is written in a cursive style with a horizontal line underneath the name.

Banard Banks

2223 Benson Rd. South Renton , Washington 98055